

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 2944 of 2007(A)

PETITIONER:

A.HAMEED,
M/S.SUDHEER ICE PLANT,
KAKKAZHOM, AMBALAPPUZHA.

BY ADV. SRI.S.KRISHNAMOORTHY

RESPONDENTS:

1. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, KERALA FINANCIAL CORPORATION,
ALAPPUZHA.
2. DISTRICT COLLECTOR,
ALAPPUZHA.
3. THE MANAGER,
KERALA FINANCIAL CORPORATION,
ALAPPUZHA.

R1&2 BY G.P. SRI.C.K.GOVINDAN
R3 BY ADV. SRI.V.B.UNNIRAJ, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE STATEMENT OF ACCOUNTS MAINTAINED BY R3 UPTO 27.2.2001.

P2: TRUE COPIES OF RECEIPTS DT.9.1.2003 OF THE KFC ISSUED TO THE PETITIONER.

P3: TRUE COPY OF THE REPRESENTATION DT.22.9.2003 SUBMITTED BY PETITIONER.

P4: TRUE COPY OF NOTICE DT.5.7.2002 OF R1.

P5: TRUE COPY OF JUDGMENT DT.27.11.2003 IN WPC NO.36746/03 OF THIS HON'BLE COURT.

P6: TRUE COPY OF THE RECEIPT DT.27.12.2003 OF R3.

P6(a): TRUE COPY OF RECEIPT DT.31.3.2004 OF R3.

P6(b): .DO. DT.29.4.2004 OF R3.

P7: TRUE COPY OF LETTER DT.21.6.2005 OF R1.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.2944 of 2007
.....

Dated this the 20th day of July, 2007.

JUDGMENT

Heard counsel for the petitioner, Government Pleader and Standing Counsel for KFC. The petitioner is challenging demand of collection charges under Rule 5 of the Revenue Recovery Rules. It is admitted that some amounts have been recovered by the revenue recovery authorities. In the circumstances, there will be direction to the second respondent to limit the collection charges only at 5% of the amount recovered by the recovery authority and not to demand any collection charges for the payments directly made by the petitioner to KFC. In other words, payments directly made to KFC is excluded from collection charges. If collection charges is already adjusted from payments, then there is no need of demanding any further sum from the petitioner.

The W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms